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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,115	08/22/2003	William A. Bernard	LCB378-CON-2	8907
32915	7590	05/31/2006	EXAMINER	
PANDUIT CORP. LEGAL DEPARTMENT - TP12 17301 SOUTH RIDGELAND AVENUE TINLEY PARK, IL 60477			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,115

Applicant(s)

BERNARD ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-48, 51-55, 57-67, 70-72, 75-77 and 80-82, 85 is/are rejected.
- 7) ☒ Claim(s) 49, 50, 56, 68, 69, 73, 74, 78, 79, 83 and 84 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is an office action for serial number 10/646,115.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the release mechanism as claimed by the applicant does not have any antecedent basis within the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner cannot determine what structural element the applicant is referring to when using the claimed subject matter of the "release mechanism". It is not clear to what the applicant is referring to based on the specification failing to provide proper antecedent basis for the "release mechanism"

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therefore, the applicant has failed to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

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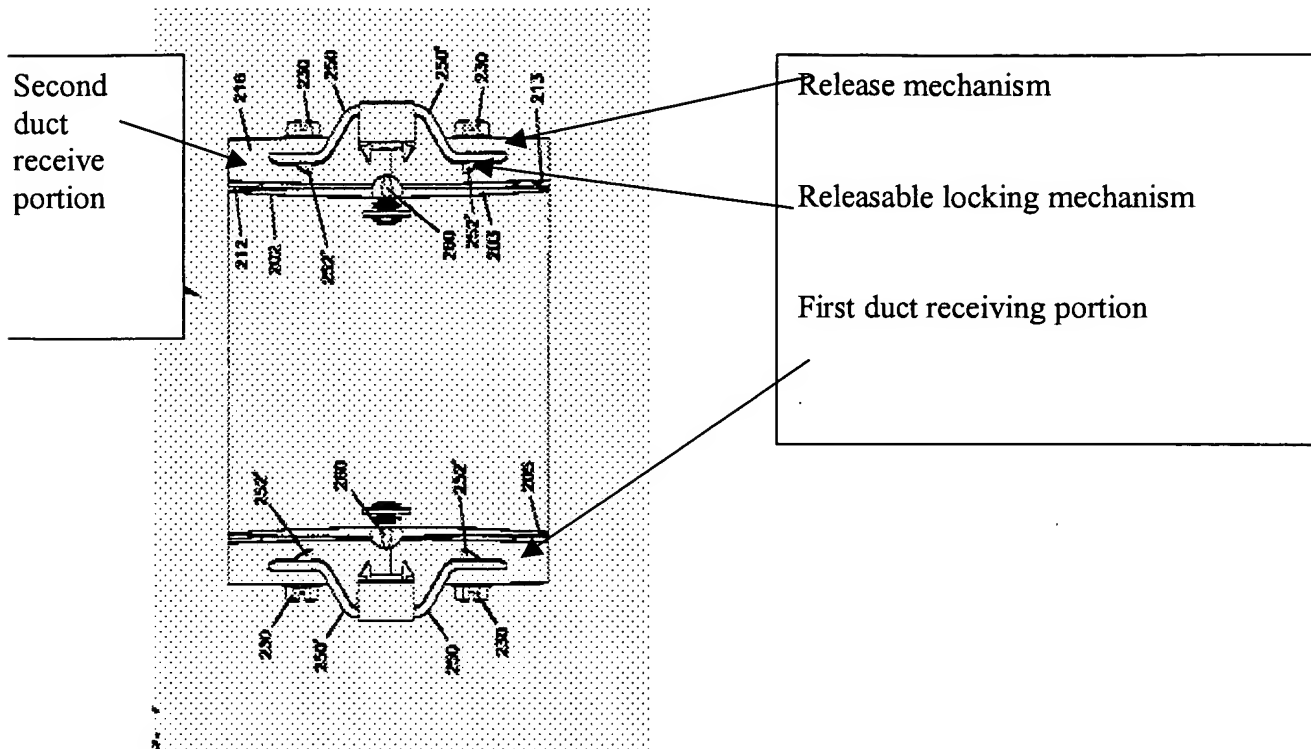
November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 39-48, 51-54, 57-65, 70, 75, and 80, and 85 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Henneberger 5,316,243. Henneberger discloses a cable duct coupler comprising a first duct-receiving portion (22) and a second duct-receiving portion (24), a releasable automatic locking mechanism including a plurality of barbs (61) (each spring 61 individually comprises an arm and edge) each having at least one arm including a knife-blade edge/serrated edge (66) bitingly engaging a respective duct section (column 4, lines 4ff), the locking mechanism/barbs are in an unstressed state prior to insertion of the cable duct sections and are mounted on a barb mount portion on the cable duct coupler (column 3, lines 63ff); and a release mechanism (the end portion of the barb which can be pulled back to release the barb from retaining the first duct section). Henneberger discloses a mechanism/barb in a closed position (when the barb is biting into the first cable duct section) and an open position (when ends are bent back to permit a leading end of the cable duct section into the space, see column 3, lines 56ff).

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Claims 39-42, 44, 45-48, 51-53, 57-60, 62-67, 70-72, 75-77, 80-82, and 85 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Haataja et al (Haataja) 5,752,781. Haataja discloses a cable duct coupler comprising a first duct-receiving portion and a second duct-receiving portion, a releasable automatic locking mechanism including a plurality of barbs each having at least one arm (250 and 250') including a knife-blade edge (252') bitingly engaging a respective duct section; and a release mechanism (the end portion of the barb which can be pulled back to release the barb from retaining the first duct section). Haataja discloses a mechanism/barb in a closed position (when the barb is biting into the first cable duct section) and an open position (when ends are bent back to permit a leading end of the cable duct section into the space).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henneberger 5,316,243 in further view of Gute 5,338,083. Patent No. 605 in view of Patent No. 458 discloses all of the limitations of the claimed invention except for the

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flange. It would have been obvious to one having ordinary skill in the art to have modified Henneberger to have included the flange as taught by Gute for the purpose of providing stability and strength.

Allowable Subject Matter

Claims 49, 50, 56, 68, 69, 73, 74, 78, 79, 83, and 84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed May 5, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments that Henneberger Nor Haataja teach or suggest a distal end this argument is herein traversed. Henneberger clearly teaches of releasable locking mechanism 61 that comprising a barb having an edge 66 on a distal end since the end can consist of from one point on the barb to another point on the barb as determined by the examiner to include the edge 66 as long as the another point is the terminal end. Haataja clearly teaches of releasable locking

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mechanism (250 and 250') that comprising a barb having an edge (252') on a distal end since the end can consist of from one point on the barb to another point on the barb as determined by the examiner to include the edge 66 as long as the another point is the terminal end.

In response to applicant's arguments that Henneberger does not discloses a "release mechanism" the examiner would like to point out that the arms end portions could be used to release the cable duct given a certain amount of force applied to the fitting or trough as suggested by the applicant (page 11 of remarks). The arms 61 could be pushed back using the end portions (release mechanism) by hand/finger of the user to remove the springs locking/biting action on the trough or fitting. The examiner as well as applicant have proven that the arms 61 can be released from its locked state since it is known that the resilience of the spring allows for flexing or bending to allow the spring to move from one position (locked) to another (unlocked) without causing damage to the springs.

In response to the applicant's arguments regarding the locking mechanism is not capable of securement without using tools this argument is herein traversed. The applicant contends that Haataja would need the use of tools to fasten the driving screw 230 to penetrate into the plastic material of the cable

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duct however the examiner has not found within Haataja where the use of a tool is stated within the specification on column. 4, ll 47-53, it merely states "the screw 230 contained within the mounting brackets 220, 221, can be turned to bite into the plastic material of the trough 11...". The applicant is assuming that the screws would need the use of a tool however screws can be turned by hand which would eliminate the use of a tool as assumed by the applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

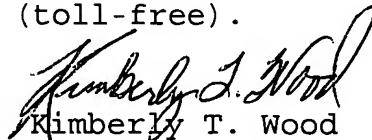
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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 71-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

May 15, 2006